
Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 200501248

Date: May 4, 2006

Notice No. 06-20

Closing Date: June 4, 2006

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: Anthony Mining Co., Inc
PO Box 1298
Steubenville, OH 43952-6298
ODNR-DMRM Mining Application No. 10335

3. LOCATION: The project is located within the watershed of North Branch Cross Creek in Sections 7, 12, & 13 of German Township, Harrison County, Ohio.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant is proposing to impact 0.73 acre of wetland, 0.18 acre of open water and 7,427 l.f. of stream channel (1,386 l.f. of perennial stream channel, 5,191 l.f. of intermittent stream channel, and 350 l.f. of ephemeral stream channel) in order to recover the Harlem coal seam using surface and auger mining techniques. The applicant is proposing to mitigate for wetland impacts on site by converting a sediment pond on the perennial stream channel into wetlands. Drawings of the proposed project are attached to this notice.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
P.O. Box 1049
Columbus, Ohio 43266-0149

Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials;

Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Christina L. Schroeder at the above address. Please refer to CELRP-OP-F 200501248 in all responses.

FOR THE DISTRICT ENGINEER:

/signed/

Michael J. Cummings, Jr.
Chief, Regulatory Branch

TABLE 1: STREAM IMPACTS

Stream ID	Classification	Feet Within Permit Limits	Water Width (ft)	Water Area (Ac.)	Impacts							Dredge Feet	Fill Feet	Dredge yd ³	Fill yd ³	Dredge acres	Fill acres
					Feet	Direct	Feet	Indirect	Temp/Perm								
N. Branch Cross Cr.	Perennial	110	6	0.015													
A	Perennial	2927	3	0.202	797	Coal Removal/Stream "A" Cross.			Perm.	797	95	89	11	0.0549	0.0065		
					589	Pond 001			Temp.	0	589	0	65	0	0.0406		
							10	Sediment Trans.	Temp.	0	10	0	1	0	0.0007		
A-1	Intermittent	983	3	0.068	983	Coal Removal			Perm.	983	0	109	0	0.0677	0		
A-2	Intermittent	537	3	0.037	334	Coal Removal			Perm.	334	0	37	0	0.023	0		
A-3	Intermittent	120	3	0.008	120												
A-4	Intermittent	316	3	0.022	316												
A-5	Intermittent	179	3	0.012	179	Coal Removal			Perm.	179	0	20	0	0.0123	0		
B	Intermittent	1966	3	0.135	1513	Coal Removal/Stream "B" Cross.			Perm.	1513	135	168	15	0.1042	0.0093		
					148	Pond 002			Perm.	148	0	16	0	0.0102	0		
C	Intermittent	1972	3	0.136	1433	Coal Removal			Perm.	1433	0	159	0	0.0987	0		
					446	Pond 003			Perm.	0	446	0	50	0	0.0307		
D	Intermittent	747	3	0.051	655	Coal Removal/Pond 006	77	Sediment Trans.	Temp.	0	77	0	9	0	0.0053		
E-1	Ephemeral	550	3	0.038	350	Coal Removal			Perm.	655	396	73	44	0.0451	0.0273		
									Perm.	350	0	39	0	0.0241	0		
TOTALS		10407			7863		87					710	195			0.1204	

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TABLE 2: WETLAND IMPACTS

Wetland ID	JD Status	Classification	Total Area (Ac)	Ac. Within Permit Limits	Impacts			Fill yd ³	Mitigation Acres
					Direct Impacts	Acres	Temp/Perm		
A	Jurisdictional	Emergent/OW*	3.89	3.74	None	—	—	—	—
B	Jurisdictional	Emergent/OW*	0.26	0.26	Mining/Backfilling	0.26	Perm.	419	0.390
C	Jurisdictional	Emergent/OW*	0.32	0.32	Mining/Backfilling	0.32	Perm.	516	0.480
D	Jurisdictional	Emergent	0.15	0.15	Mining/Backfilling	0.15	Perm.	242	0.225
TOTAL				4.47		0.73		1177	1.10

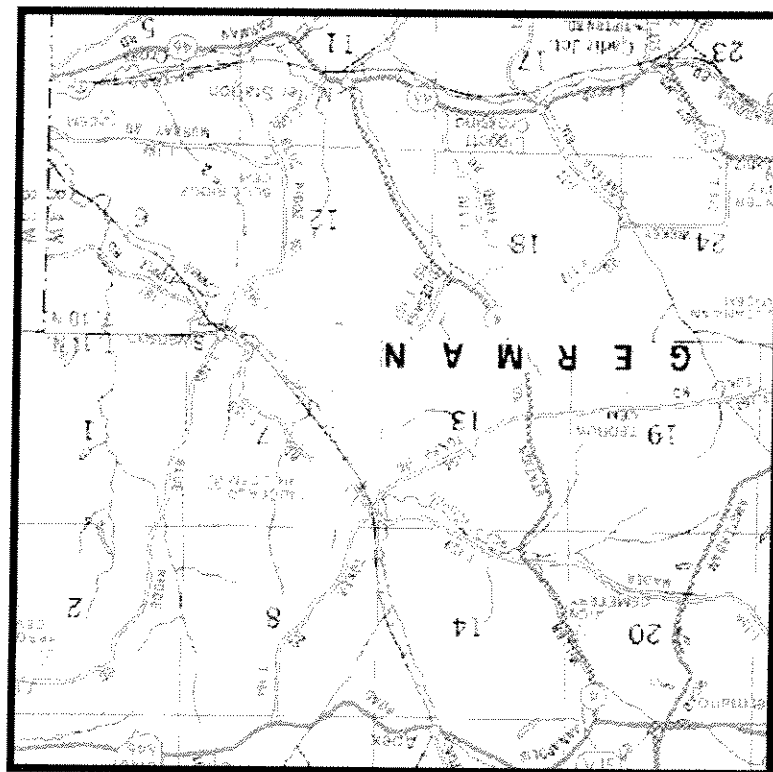
* OPEN WATER

TABLE 3: IMPOUNDMENT IMPACTS

Impoundment ID	JD Status	Classification	Total Area (Ac)	Ac. Within Permit Limits	Impacts			Fill yd ³	Mitigation Acres
					Direct Impacts	Acres	Temp/Perm		
WI-1	Jurisdictional	Water Impound.	0.18	0.18	Mining/Backfilling/P-006	0.18	Perm.	1742	0
WI-6*	Jurisdictional	Water Impound.	0.26	0.26	None	—	—	—	—
TOTAL				0.44		0.18		1742	0

* WI-6 was originally called WI-5 in the approved Jurisdictional Determination.

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AMSTERDAM
QUADRANGLE

LOCATION MAP
SCALE 1" = 1 MILE

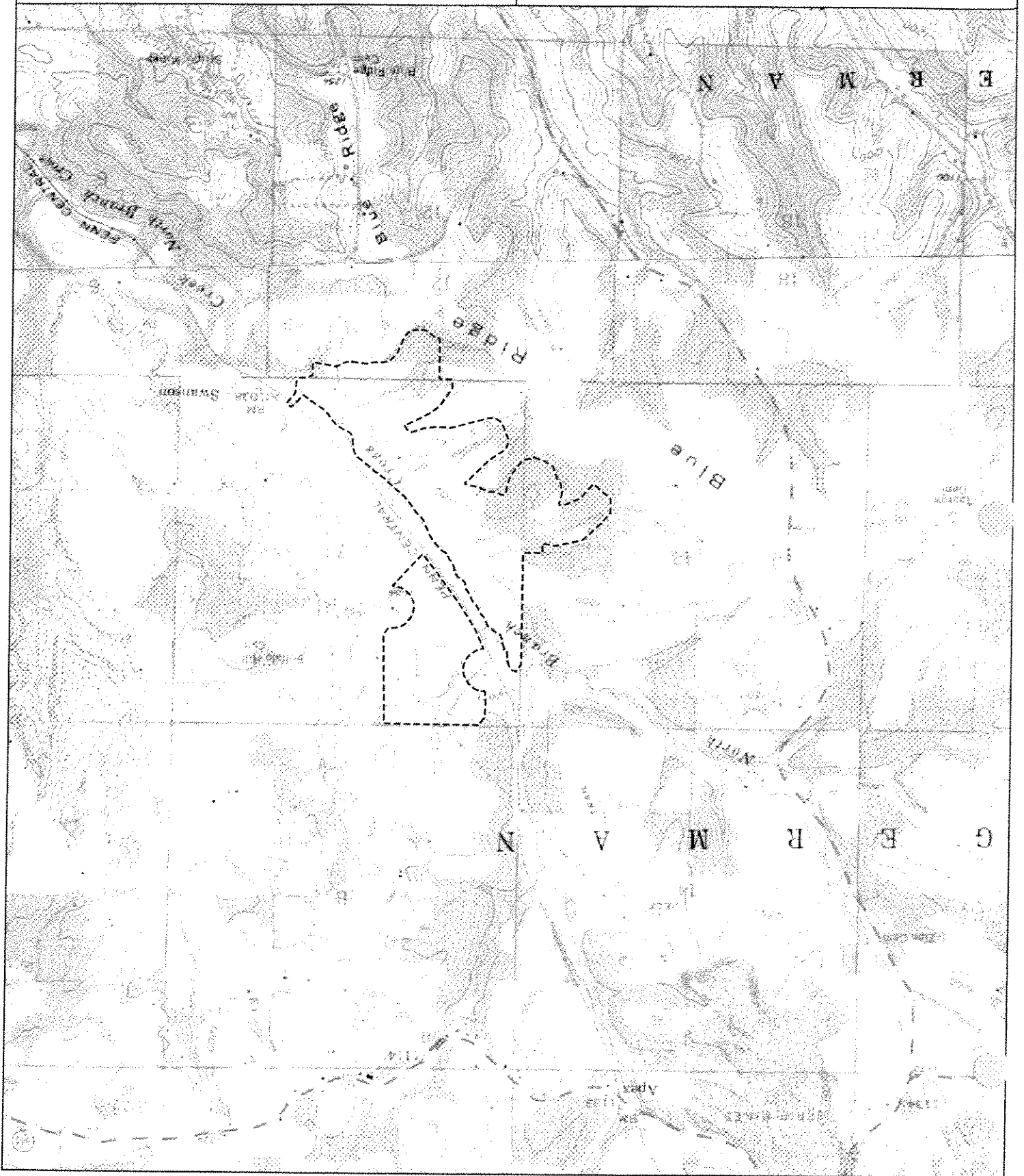


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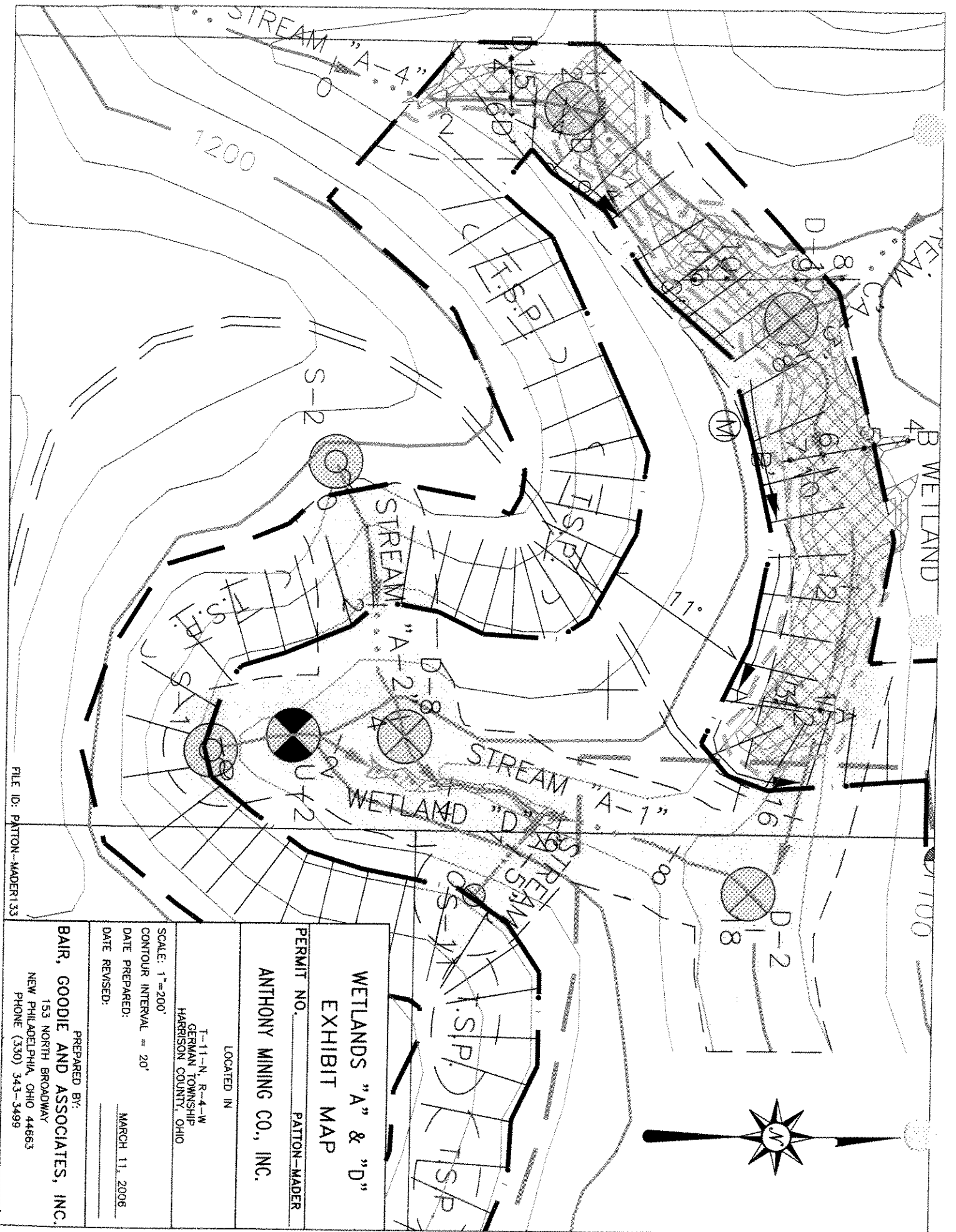
ANTHONY MINING CO., INC.
 PATTON-MADER
 AMSTERDAM AND CADIZ QUADRANGLE
 SCALE: 1" = 2000'
 DATE: 02/06/06
 ----- PERMIT LIMITS

PREPARED BY:
 BAIR, GOODIE AND ASSOCIATES, INC.
 153 NORTH BROADWAY
 NEW PHILADELPHIA, OHIO 44663
 PHONE (330) 343-3499

PATTON-MADER132



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WETLANDS "A" & "D" EXHIBIT MAP

PERMIT NO. PATTON-MADER

ANTHONY MINING CO., INC.

LOCATED IN

T-11-N, R-4-W
GERMAN TOWNSHIP
HARRISON COUNTY, OHIO

SCALE: 1"=200'

CONTOUR INTERVAL = 20'

DATE PREPARED:

MARCH 11, 2006

DATE REVISED:

PREPARED BY:

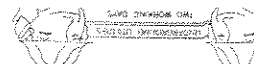
BAIR, GOODIE AND ASSOCIATES, INC.

153 NORTH BROADWAY
NEW PHILADELPHIA, OHIO 44663

PHONE (330) 343-3499

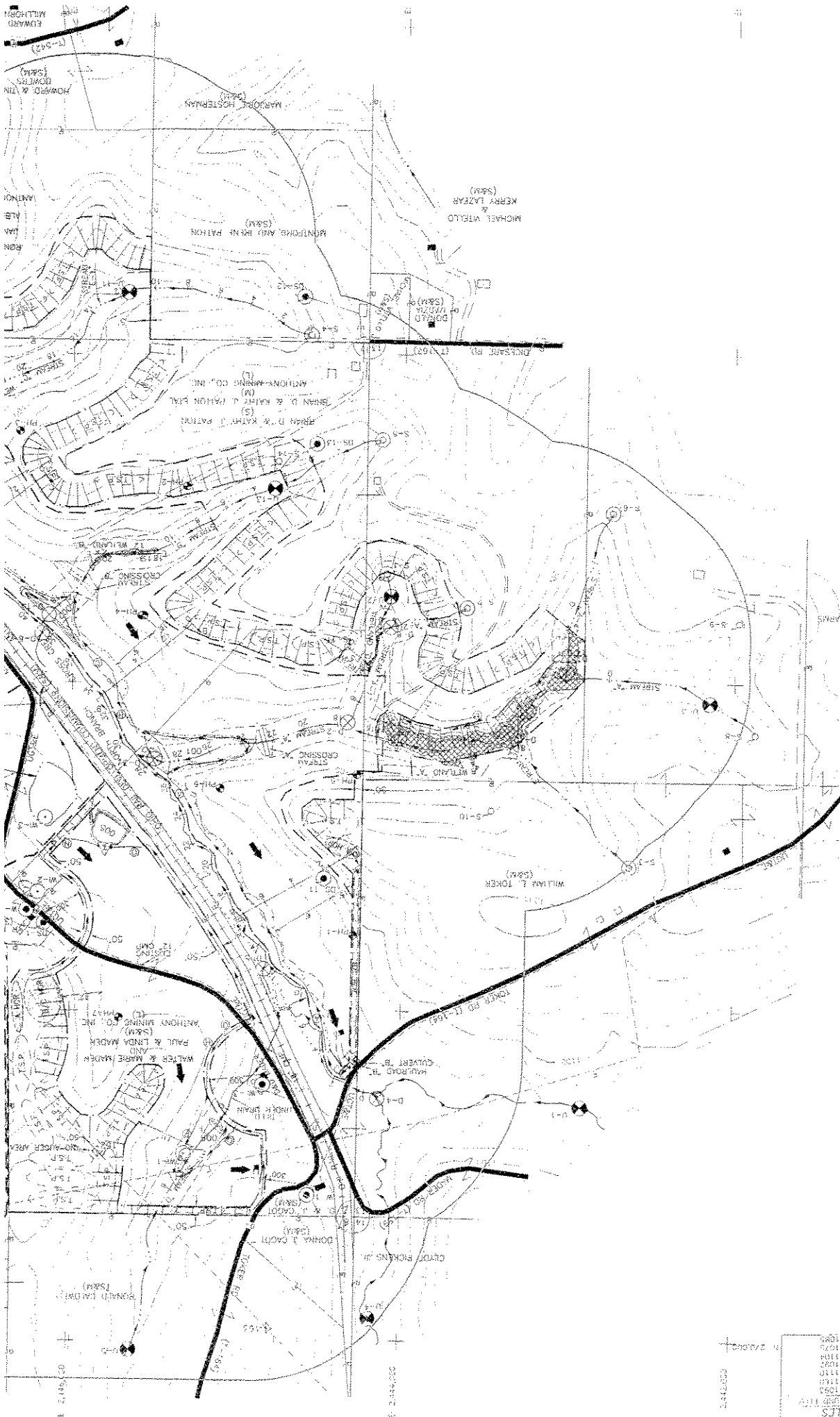
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